



AF 12152 IFW

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## TRANSMITTAL FORM

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Total Number of Pages in This Submission 3

Application Number 09/838,652

Filing Date 04/19/2001

First Named Inventor David Kyle

Art Unit 2152

Examiner Name Trong Nguyen

Attorney Docket Number TT4390

### ENCLOSURES (Check all that apply)

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Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Winstead Sechrest & Minick P.C.

Signature

Printed name Robert A. Voigt, Jr.

Date 05/03/2006

Reg. No. 47,159

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

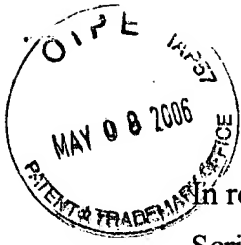
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Date 05/03/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kyle et al.

Serial No.: 09/838,652

Filed: April 19, 2001

Group Art Unit: 2152

Before the Examiner: Nguyen, Trong

Title: DETERMINING LOGON STATUS IN A BROADBAND  
NETWORK SYSTEM AND AUTOMATICALLY  
RESTORING LOGON CONNECTIVITY

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
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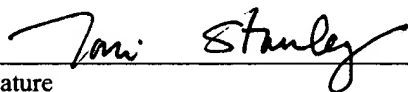
Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief having a mailing date of April 4, 2006, with a time for response set to expire on May 4, 2006, Appellants respond as follows:

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**CERTIFICATION UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence (along with any item referred to as being enclosed herewith) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 5-3 2006.

  
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Signature

**Toni Stanley**  
\_\_\_\_\_  
(Printed name of person certifying)

The Examiner asserts that Appellants' Second Appeal Brief contains the incorrect date for the mailing of the final office action as indicated in section IV. Appellants have amended the Second Appeal Brief (referred to as the "Amended Second Appeal Brief") by changing the indicated year of the final office action from 2004 to 2005. Accordingly, Appellants respectfully assert that the Amended Second Appeal Brief is in compliance and respectfully request the Examiner to withdraw the notice of non-compliance.

It is noted that the Amended Second Appeal Brief has been filed with the Board of Patent Appeals and Interferences.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

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